

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASE NO. 04-11539-JLT

FILED
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2006 NOV 21 P 2:31
U.S. DISTRICT COURT
DISTRICT OF MASS.

**WALTER STICKLE, ANTHONY
CALIENDO, JOHN PITINGOLO and
DANIEL FISHER,
Plaintiffs**

v.

**ARTHUR ORFANOS,
Defendant**

**DEFENDANTS' MOTION FOR SANCTIONS
FOR SUBMITTING FALSE AND MISLEADING STATEMENTS**

NOW COMES the Defendant in the above-captioned matter and respectfully moves this Honorable Court, to impose sanctions under rule 11 against the Plaintiffs and/or the Plaintiffs' Counsel for submitting false and misleading testimony. In support of this motion, the Defendant respectfully states as follows:

1. The Plaintiffs acted in bad faith by submitting false and misleading Statements to the Honorable court in their motion for Attorneys' fees and costs ¶ 8, ¶ 9.
2. No factual evidence was submitted in support of this claim, therefore the Defendant's request for documents was relevant and reasonable.
4. The Plaintiffs now in their opposition to the Defendant's motion seeking an order to compel the Plaintiffs to produce documents, in bad faith, state the following;

5. That the Defendants' letter requesting documents was received on October 31, 2006. Defendant's letter was received on October 30, 2006. (Please see exhibit A of Defendant's motion to compel Plaintiffs to produce documents).

6. That the Defendant requested documents within three days (Plaintiffs' opposition to Defendant's motion seeking order to compel ¶ 3). The Defendant requested documents in five days (Please see Defendant's letter Dated October 26, 2006).

7. That the Defendant's motion to compel was received less than one week after receiving his letter dated October 26, 2006, (Please see Plaintiffs' opposition to Defendant's motion seeking order to compel ¶ 6).

8. The Defendant's motion to compel was mailed both to the Plaintiffs' Attorney and to the Honorable Court, on November 7, 2006, nine days, seven business days after his request for documents was ignored, not less than one week as stated.

9. As of this writing, nineteen days since receiving the original written request, the Plaintiffs have still not responded to the Defense other than filing an opposition motion. The Defendant respectfully suggests that the court take under consideration that the Plaintiffs have no interests or intentions in cooperating or behaving properly, unless directed by the court to do so.

10. These maneuvers appear to be attempts to confuse, taint, and prolong these proceedings and to cause further harm to and harass the Defendant.

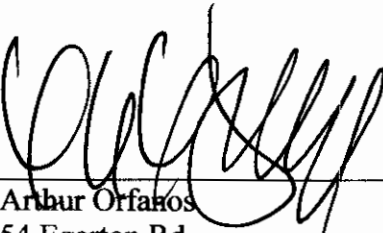
11. For the aforementioned points and in the interests of truth and justice, the Defendant respectfully requests; if appropriate, that this Honorable court to take into

Consideration and in its discretion to impose sanctions under rule 11, or any such action
As the Court may deem necessary, against the Plaintiffs and/or the Plaintiffs' counsel for
submitting false and misleading statements.

WHEREFORE, the Defendant respectfully request that this Honorable Court in its
discretion impose sanctions or any such action as the Court may deem necessary, against
the Plaintiffs and/or the Plaintiff's counsel.

Dated November 17, 2006

respectfully submitted,
Arthur Orfanos



Arthur Orfanos
54 Egerton Rd
Arlington MA, 02474
781 646 4623

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DISTRICT OF MASSACHUSETTS**

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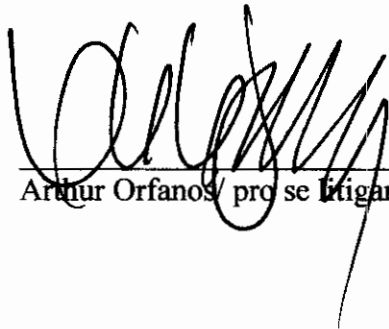
<u>WALTER STICKLE, ANTHONY</u>)
<u>CALIENDO, JOHN PITINGOLO and</u>)
<u>DANIEL FISHER,</u>)
<u>Plaintiffs</u>)
)
)
v.)
)
<u>ARTHUR ORFANOS,</u>)
<u>Defendant</u>)
)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within the Defendant's motion for sanctions for submitting false and misleading statements, was this day served upon Plaintiffs by mailing same first class Postage prepaid to: Michael B. Newman, Attorney of Plaintiff, of Clark, Hunt and Embry, 55 Cambridge Parkway, Cambridge MA, 02141.

SIGNED under the pains and penalties of perjury

November 17, 2006



Arthur Orfanos pro se litigant